

No Child Left Behind and Unprotected in Canada

CASW Children's Issues Interest Group

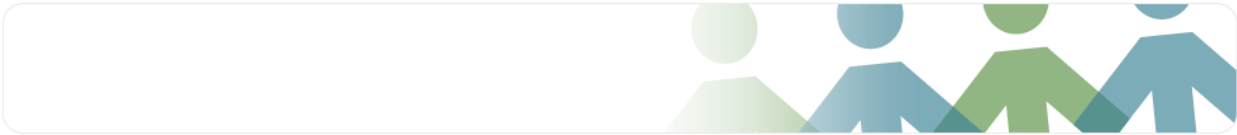
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Social Work – The Profession of Choice

Travail social - La profession de choix

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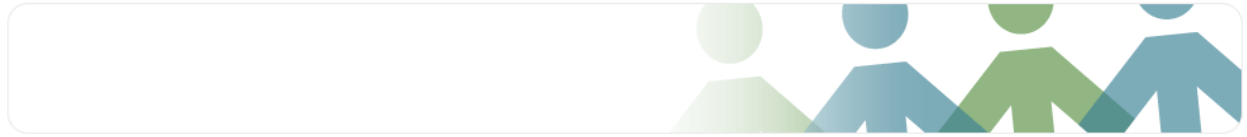


Founded in 1926 the Canadian Association of Social Workers (CASW) is the national association voice for the social work profession.

CASW has adopted a pro-active approach to issues pertinent to social policy/social work. It produces and distributes timely information for its members, and special projects are initiated and sponsored. With its concern for social justice and its continued role in social advocacy, CASW is recognized and called upon by both nationally and internationally for its social policy expertise.

The mission of CASW is to promote the profession of social work in Canada and advance social justice. CASW is active in the International Federation of Social Workers (IFSW).





Child Welfare has a long history in Canada. Child protection legislation was first enacted in the late 19th century. For instance, in 1891, Ontario, and 1892, New Brunswick, first passed legislation directly addressing the issue of child protection, by enacting laws to prevent and punish wrongdoing toward minors. In these Acts, a minor was specifically referred to as being under the age of 16.

The 20th century saw an evolution in the child protection legislation worldwide. In 1990, the United Nations Convention on the Rights of the Child was adopted (1) specifically:

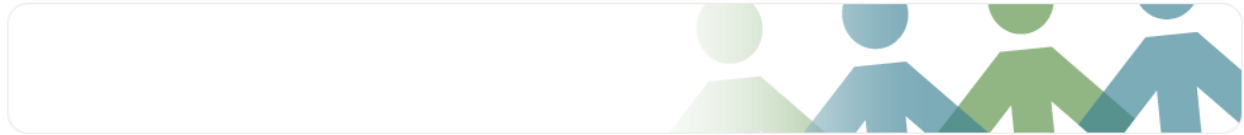
Article 1: For the purpose of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 19 states Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

What is significant in the Convention is the definition of a child and the obligation of every jurisdiction to offer child protection up to the age of 18, unless majority is attained sooner. While all provinces and territories in Canada have child welfare legislation, the definition of a child does vary throughout the country. In most jurisdictions, once a child, who is 16 years of age and over, has been found in need of protection, services are offered on a voluntary basis. These jurisdictions recognise the right of a 16-year-old youth below the age of majority to refuse services or to self-determination.

Incorporating access to child protection services up to the age of 18 in all provincial and territorial child welfare legislation will allow for national consistency in terms of child protection service delivery. A report prepared by the Standing Senate Committee on Human Rights (2007) also recommended that access to child protection services be provided up to the age of 18.

Recommendation 9 – Child Protection (page 105)



Pursuant to articles 9, 12, 19, 20, and 25 of the Convention on the Rights of the Child, the Committee recommends that the federal government organize federal provincial-territorial consultations with respect to child protection issues and children in the care of the state. These consultations should focus on whether the Convention has been implemented in the following areas:

- *The need to involve youth more fully in the child protection process;*
- ***Working towards a uniformly legislated age of 18 for cut-off from Protection;***
- *The need for continuing support for youth exiting the child protection –system.*

The Canadian Association of Social Workers is advocating that all provincial and territorial jurisdictions amend their child protection legislation to ensure access to child protection services up to the age of 18 at a minimum. It is recognized that the level of services provided be defined by each jurisdiction.

References

- 1) *Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49*
- 2) *Report of the Standing Senate Committee on Human Rights, April 2007 Recommendation 9 – Child Protection (page 10ⁱ)*